



**City of Santa Clara
PLANNING COMMISSION
Wednesday, January 9, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

Chairperson Champeny initiated the Pledge of Allegiance and the invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chairperson Champeny, Commissioners Frank Barcells, Tony Marine, Teresa O'Neill, Mohammed Sarodi and Keith Stattenfield. Vice-Chairperson Todd Fitch was excused.

The following staff was present: Director of Planning and Inspection Kevin Riley, AICP Development Review Officer Gloria Sciara, AICP, Assistant City Attorney Tina Wallis, Deputy City Attorney Lindsay Speck, Civil Engineer II Darrell Mackie and Associate Planner Judith Silva.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Ms. Sciara advised those present that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairperson Champeny reviewed Planning Commission procedures for those present.

5. REQUESTS FOR WITHDRAWALS AND CONTINUANCES WITHOUT A HEARING

Agenda Item 10 File: PLN2007-06781 Location: 1575 Pomeroy Avenue
Agenda Item 13 File: PLN2007-06788 Location: 1998 Homestead Road

6. ITEMS FOR COUNCIL ACTION

The following items will be sent forward to the City Council following the conclusion of hearings and recommendations by the Planning Commission:

Agenda Item 9 File: PLN2007-06679 Location: 1468 Lafayette Street
Agenda Item 10 File: PLN2007-06781 Location: 1575 Pomeroy Avenue

7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

There were two oral petitions.

Mr. Oscar Basurdo, representing neighborhood concerns, regarding the redevelopment of the former Kaiser Hospital site noted some of the goals of his neighborhood for the property were an expansion of Central Park, a Cultural Arts Center or Senior Housing in a park-like setting. Mr. Basurdo then noted it had been suggested the City purchase the site, possible for the 2012 Olympics and noted his concerns related to traffic, safety, crime, aesthetics and increase in school usage. He stated the neighborhood goal was to meet with Fairfield

Development; possibly reduce the proposed densities and come up with a win-win situation for everyone.

Ms. Langston then addressed the Commission. She also stated her concerns with the redevelopment of the Kaiser site and expressed problems with traffic, in particular using the Federal Post Office on Kiely Boulevard to the north. In response to a question from the speaker, Mr. Riley reviewed amendments to Planned Development zoning approvals that could require neighborhood review and those subject to approval at staff level.

8. CONSENT CALENDAR

The following items routine and public hearing items were approved under the Consent Calendar unless otherwise noted:

Routine Items/Consent Calendar

8.A. Planning Commission Minutes of December 12, 2007, as corrected (see attachment).

Public Hearing Items/Consent Calendar

8.B. File: **PLN2007-06783**
Location: 3284 El Camino Real, a ~~0.266~~ 0.81 acre site located on the south side of El Camino Real, approximately 70 feet east of Pomeroy Avenue (APN 290-03-081, & 290-03-083). Property is Zoned CT (Thoroughfare Commercial).
Applicant: Two-Two Chicken Restaurant
Owner: Georgetta Buttitta
Request: **Use Permit** to allow beer and wine service ~~with 33 seats~~ requested for a new restaurant.
Project Planner: Jenny Lee, Assistant Planner I

8.C. File: **PLN2007-06788**
~~Location:~~ ~~1998 Homestead Road, a 0.73-acre parcel located at the southeast corner of Homestead Road and Scott Boulevard (APN 269-24-043). Property is zoned CN (Neighborhood Commercial).~~
~~Applicant:~~ ~~Gu-Gu Pizza & Pasta Restaurant~~
~~Owner:~~ ~~Jinhie Lee~~
~~Request:~~ ~~Use permit to allow beer and wine service with 21 seats requested for a new restaurant in a commercial retail center~~
~~Project Planner:~~ ~~Jenny Lee, Assistant Planner I~~
Staff Recommendation: **Approve, subject to conditions**
Note: See Agenda Item #13.

8.D. File: **PLN2007-06789**
Location: 2090 Scott Blvd, a 23,522 square foot lot, located on the southwest corner of Scott Boulevard and Monroe Street (APN 224-33-003). Property is zoned CN (Neighborhood Commercial).
Applicant: Progressive Design for Santa Clara Chevron Station
Owner: Saratoga Gas Corp.
Request: **Use Permit amendment** to add take-out food service and a new kitchen facility at an existing convenience store within a service station
Project Planner: Jeff Schwilk, AICP, Associate Planner

8.E. File: **PLN2007-06793**
 Location: 3072 El Camino Real, a 1.17 acre parcel located on the southside
 of El Camino Real, approximately 400 feet east of Calabazas
 Boulevard (APN 290-04-006). Property is Zoned CT
 (Thoroughfare Commercial)
 Applicant: Benkey Japanese Restaurant
 Owner: Tae K. Kim
 Request: **Use Permit** to allow beer and wine service in conjunction a full
 service restaurant
Project Planner: Yen Han Chen, Associate Planner

8.F. File: **PLN2007-06794**
 Location: 1165 Los Padres Boulevard, a 5,500 square foot lot located on the
 eastside of Los Padres, approximately 200 feet north of Benton
 Street (APN 290-42-092). Property is Zoned RI-6L (Single Family
 Residential).
 Applicant/Owner: Ann Soncini, Trustee
 Request: **Variance** to allow a 1-car garage where 2-covered parking spaces
 are required in conjunction with a 740 square foot rear addition
 (Previous Planning Commission variance approval of 10/12/05
 has expired).
Project Planner: Douglas Handerson, Associate Planner

*******End of Consent Calendar*******

REZONING

9. File: **PLN2007-06679**
Location: 1468 Lafayette Street, a 7,303 square foot lot on the westside of Lafayette Street, approximately 100 feet north of Lewis Street (APN 269-05-091). Property is Zoned PD (Planned Development)
Applicant/Owner: Salvatore Caruso
Request: **Amend PD** to remove below-market rate requirement from a previously approved Density Bonus residential development project.
Project Planner: Debby Fernandez

Summary of Discussion – January 9, 2008

Mr. Riley reviewed the request to amend the previously approved PD zoning to remove the below-market rate requirement. He noted the property owner has filed this application to remove the BMR requirement legislated by the Density Bonus Ordinance and amend the PD zoning plan and condition of approval to provide for-sale moderate income housing unit with the project development. It was then noted that as part of the project, the property owner has proposed to substitute a LEED certified project which employs performance standards to measure and certify sustainable building development. Mr. Riley then noted there was no change proposed to the previous approved architectural design development.

It was noted that staff was not supporting the request and that LEED certified construction is not a substitute for the provision of affordable housing under the State density bonus regulations.

Commissioner Barcells stated he felt the proposal was based on the Below Market Rate units (BMR) units and didn't feel the request was appropriate. Commissioner Marine then noted this appeared to be a new project.

Mr. Riley then reviewed the Density Bonus Ordinance was based on the provision of BMR units. In response to a question from Commissioner Stattenfield, it was noted variances are not granted for green building.

Salvatore Caruso, applicant/owner, stated staff had erred and was requesting a Density Variance. He then noted there were the required findings to approve the variance. Mr. Caruso then elaborated on the importance of energy conservation, that this revised project would be LEED certified and that it was a chance to improve the City. He then requested staff review his request.

The Director of Planning and Inspection and Assistant City Attorney both concurred this item should be continued and that staff will work with the applicant to sort out the request and bring it back with proper notice of hearing for this request.

Commission Recommendation – January 9, 2008

It was moved by Commissioner Marine, seconded by Commissioner Barcells and unanimously carried (Commissioner Fitch excused) to **continue this item for up to 90 days**.

10. File: **PLN2007-06781**
Location: 1575 Pomeroy Avenue, a 12,423 square foot lot, located on the east side of Pomeroy Avenue, approximately 350 feet south of El Camino Real (APN 290-03-089). Property is zoned R1-6L (Single Family Residential).
Applicant: Kurt Anderson of Anderson Architects
Owner: ERN Speno LLC
Request: **Rezone from R1-6L to PD** (Planned Development/R3-18D) to demolish an existing residence and construct three detached townhomes.
Project Planner: Doug Handerson, AICP, Associate Planner

This item was Continued under Agenda Item 5. Requests for Withdrawals and Continuances without a Hearing at a neighbor's request.

VARIANCES

11. File: **PLN2007-06792**
Location: 2126 Laurel Drive, a 5,748 square foot lot, located on the southside of Laurel Drive, approximately 60 feet west of Alice Drive (APN 290-11-038).
Applicant: Rohit Gupta and Peggy Szymanski
Request: Variance to reduce minimum two car covered parking requirement with construction of a rear addition to an existing single family residence; increase in maximum accessory building area; and reduce minimum accessory building side yard and rear yard setbacks to allow existing nonconforming buildings to remain
Project Planner: Debby Fernandez, Assistant Planner II

Summary of Discussion – January 9, 2008

Ms. Sciara reviewed the request while showing visuals of the subject property and surrounding neighborhood. She noted the project involves the construction of a 636 square foot addition to the rear of an existing residence with an existing detached nonconforming accessory building at the rear of the property. She then reviewed the variance request to reduce the minimum parking requirements with the new construction; increase the maximum accessory building area; and reduced minimum accessory building sideyard and rearyard setbacks to allow existing nonconforming buildings to remain.

Ms. Sciara then noted that staff was recommending approval of a modified project to allow the proposed residential addition and demolition of the existing 260 square foot shed located within the public utility easement at the rear of the detached one-car garage, subject to conditions.

Adam Rockwood, applicant, then addressed the Commission. Mr. Rockwood noted the existing single-family residence was quite small and that several variances are requested to allow an addition with the existing 1-car garage. He then stated that the demolition of the existing 1-car garage and the construction of a new 2-car garage was not economically feasible and agreed to a modified request.

Commission Action – January 9, 2007

It was moved by Commissioner Marine, seconded by Commissioner Sarodi and unanimously carried (Commissioner Fitch excused) that based on the staff report, public testimony and required findings to **approve a variance for a modified project** to allow the proposed residential addition and demolition of the existing 260 square foot shed at the rear of the detached one-car garage, subject to conditions.

Ms. Sciara noted that this item is final unless appealed within 7 days or at the time of City Council review.

12. File: **PLN2007-06764**
Location: 2156 Dianne Drive, a 7,450 square foot lot on the southside of Dianne Drive, approximately 400 feet west of Alice Drive (APN 290-11-134). Property is Zoned RI-6L (Single Family Residential).
Applicant: Mark Perham
Owner: Jeff and Debbie Rudd
Request: **Variance** to allow two storage buildings to remain in the rear yard at substandard rear and side yard setbacks.
Project Planner: Jeff Schwilk, AICP, Associate Planner

Summary of Discussion – January 9, 2007

Ms. Sciara reviewed the proposal and showed visuals of the subject property and surrounding neighborhood. She noted the variance was requested to allow two storage buildings to remain in the rear yard at substandard rear and sideyard setbacks and within a public utility easement. She noted there was sufficient room in the rear yard to relocate the detached accessory buildings in a manner prescribed by the Zoning Ordinance and that staff could not make the findings regarding hardships or unusual circumstances related to the property to support this request.

Jeff Rudd, owner, then addressed the Commission. Mr. Rudd stated he had purchased the property in 2002 and has 11-year old triplet daughters which use one of the structures for a playhouse. He noted one of the structures had been in place before 1996 and that both accessory buildings were anchored to a foundation and it was not economically feasible to move them. He noted he expanded one of the structures and installed a bathroom, and other upgrades without permits. Mr. Rudd then noted there were several large rear yard structures in his surrounding neighborhood and felt findings could be made to support the variance which would not negatively affect property values and would enhance his property.

In response to a question from Commissioner Marine, Mr. Rudd explained that he had expanded the structures without benefit of buildings permits, but had understood permits were not required for under 120 square feet. Mr. Rudd then noted he had spent \$700 to obtain encroachment permits from PG&E and Comcast and they would be issued subject to the City granting the variance.

Ms. Sciara then explained that an expansion of the previous nonconforming structure requires a use permit.

Commissioner Barcells then suggested a covenant might be appropriate for the accessory structures and could be removed when the property is sold.

Tina Wallis, Assistant City Attorney, then advised the Planning Commission that they must make findings to approve a variance and that a condition could be added for a covenant. Mr. Riley then reviewed changes to setback requirements over the years and that prior to 1969 there was no Zoning Ordinance.

The following neighbors spoke in support of the request and allowing the structures to remain: Richard Silva, Kurt Kull, Ms. Freeman, and Ms. Eke.

The public hearing was closed.

Commission Action – January 9, 2008

It was moved by Commissioner Marine, seconded by Commissioner Stattenfield and unanimously carried (Commissioner Fitch excused) to continue this item for up to 90 days for additional information related to the pre-existing conditions.

USE PERMITS

13. File: **PLN2007-06788**
Location: 1998 Homestead Road, a 0.73-acre parcel located at the southeast corner of Homestead Road and Scott Boulevard (APN 269-24-043). Property is zoned CN (Neighborhood Commercial).
Applicant: Gu-Gu Pizza & Pasta Restaurant
Owner: Jinhie Lee
Request: **Use permit** to allow beer and wine service with 21 seats requested for a new restaurant in a commercial retail center
Project Planner: Jenny Lee, Assistant Planner I

This item was continued under Agenda Item 5. for up to 60 days with reposting.

14. OTHER BUSINESS

Commission Procedures and Staff Communications

Public comment on these items may be limited to one minute, at discretion of the Chair

a. Announcements/Other Items

b. Report of the Director of Planning and Inspection

- City Council actions

- Commission/Board Liaison and Committee Report

- Commission/Committee Assignments

Architectural Committee: Commissioners Marine and Stattenfield (Sarodi and Barcells alternates)

Station Area Plan: Chairperson Champeny

General Plan sub-Committee: Commissioners Fitch and O'Neill

c. Commission Procedures

- Planning Procedures

- Work plan items

d. Update on Comprehensive General Plan Amendment Process/ General Plan Update

15. ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Judith Silva
Associate Planner

Approved:

Gloria Sciara, AICP
Development Review Officer

Kevin Riley, AICP
Director of Planning and Inspection